



City of Marietta

Meeting Summary

CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, August 12, 2009

7:00 PM

Council Chamber

20090618 **Dave Coleman, Recognition**

Proclamation recognizing Marietta Golf Center as winning for the second year in a row the top 100 driving ranges in the United States.

Presented

20090819 **Regular Meeting - July 8, 2009**

Review and approval of the July 8, 2009 regular meeting minutes.

Approved

20090820 **Special Meeting - July 30, 2009**

Review and approval of the July 30, 2009 special meeting minutes.

Approved

20090411 **Z2009-10 Neil Bishop 367 Glover Street, 547 Atlanta Street, 537 Atlanta Street and 345 Hawkins Street**

Z2009-10 [REZONING] NEIL BISHOP request rezoning for property located in Land Lot 02900, District 17, Parcels 0170, 0150, 0160 and 0890, 2nd Section, Marietta, Cobb County, Georgia and being known as 367 Glover Street, 547 and 537 Atlanta Street and 345 Hawkins Street from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 3.

Approved as Stipulated

20090670 **Z2009-14 Acme American, LLC 2265 Kingston Court**

Z2009-14 [SPECIAL LAND USE PERMIT] ACME AMERICAN, LLC (JOEL DIGBY) request Special Land Use Permit (to operate an extended stay facility) for property located in Land Lots 726 and 787, District 17, a portion of parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 2265 Kingston Court, Building 200, and being zoned OHR (Office High Rise). Ward 7.

Approved as Amended

Motion to postpone this matter until a Special Called Meeting on August 26, 2009.

20090747

Code Enforcement - 1177 Bellemeade Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1177 Bellemeade Drive.

Listed Owner: Eun & Agnes, Inc.

Repeat Violation History: (1) previous case since 05/06/09.

Certified mail receipt not received as of 07-29-09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090784

Code Enforcement - 711 Bothwell Place

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 711 Bothwell Place.

Listed Owner: Ortiz Guevara Jose L & Martin

Repeat Violation History: None

Certified mail receipt returned 07-07-09, "Unable to Forward."

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Removed

20090805

Code Enforcement - 1375 Blanche Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1375 Blanche Drive.

Listed Owner: Pottle Jeffrey J. & Mellissa J.

Repeat Violation History: (7) previous cases since 05/02/06.

Certified mail receipt not received as of 07/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090806

Code Enforcement - 1503 Church Street Extension

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1503 Church Street Extension.

Listed Owner: Kwon Phil

Current Owner: Smith Brennon

Repeat Violation History: (1) previous case sine 05/07/08.

Certified mail receipt not received as of 07/30/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

Approved

20090763 **Section 8 Management Assessment Program (SEMAP) 2009 Certification**

Approval of a Resolution authorizing the acceptance of the Section Eight Management Assessment Program (SEMAP) 2009 Certification.

Approved

20090775 **Caswell Overlook**

Motion to approve a request from Corbitt Woods of Caswell Overlook to modify the previously approved architectural renderings associated with the Detailed Plan for Caswell Overlook. The attached architectural renderings shall only be approved for the building that contains units 36 through 41, as indicated on the attached site plan. All other conditions and stipulations that have been previously approved by the Mayor and City Council would continue to be required of the applicant and/or developer. The original Detailed Plan was approved on May 24, 2006 (#20060582). Ward 1.

Approved

Motion to approve with an amendment that should read, "...architectural renderings shall only apply to and be approved for the building that contains units 36 through 41, as indicated on the attached site plan. All other conditions and stipulations that have been previously approved by the Mayor and City Council shall continue to be required of the applicant ..."

20090781 **Delk Road LCI 5-year Plan Update**

Approval of a Resolution approving the updated Delk Road Livable Centers Initiatives (LCI) Study that was adopted by Mayor and City Council January 12, 2005. The Atlanta Regional Commission (ARC) requires that every jurisdiction that has conducted an LCI study, complete a 5-Year update of the study and provide a status and implementation report.

Approved

20090788 **Automated Red-Light Enforcement**

Ordinance modifying Code Section 10-4-170 due to recent legislative changes to state statute and consideration of proposal by Municipal Court to amend sanctions for failure to comply.

Approved

20090651

Precinct Boundary Changes

Approval of an Ordinance amending Section 1-6-080 of the Marietta Code of Ordinances to change the polling locations for Wards 2, 4 and 6.

Approved

20090823

Code Change to allow bicycles in Burruss & Wildwood

Ordinance amending City Code Section 10-4-120 so as to permit the riding of bicycles, on designated trails specified by routing signage in Burruss & Wildwood Parks.

Approved

20090824

Dog Parks

Approval of an Ordinance amending Code Section 10-4-200, "dog parks and off-leash areas" creating an off-leash area in Wildwood Park.

Approved

20090706

Parks and Recreation Bond Referendum/Park Improvements

Motion to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$30,000,000; to provide for the date, rate or rates of interest, and schedule of maturities that such bonds shall bear and that the bonds may be made subject to redemption prior to maturity to the extent permitted by law; to provide for the levy and collection of taxes to service such bonded indebtedness, if so authorized; to provide that the bonds authorized may be issued in one or more series and on one or more dates of issuance; and for other purposes.

Approved as Amended

Motion to approve a referendum resolution to regulate and provide for the calling of an election and to call an election to determine the issuance or non-issuance by the City of Marietta of General Obligation Park and Recreational Facilities Bonds in an aggregate principal amount not to exceed \$25,000,000; to provide for the date, rate or rates of interest, and schedule of maturities that such bonds shall bear and that the bonds may be made subject to redemption prior to maturity to the extent permitted by law; to provide for the levy and collection of taxes to service such bonded indebtedness, if so authorized; to provide that the bonds authorized may be issued in one or more series and on one or more dates of issuance; and for other purposes.

20090778

Insurance Renewal

Motion approving property casualty and other miscellaneous coverages, premiums and companies utilized for the policy period of August 17, 2009 to August 16, 2010 as follows:

1. Trident/Argonaut through BB&T/McGriff, Siebels & Williams of Georgia, Inc. as Brokers for the following coverages: GL, Law, Public Officials [City & BLW], Property, Flood, Earthquake, Terrorism, Inland Marine, Boiler & Machinery, Public Employee Blanket Crime.
2. Midwest Insurance Co. through BB&T/McGriff, Siebels & Williams of Georgia, Inc. as Brokers for Excess Workers' Compensation.
3. Travelers Casualty & Surety., through BB&T/McGriff, Siebels & Williams of Georgia, Inc. as Brokers for Fiduciary Responsibility, various Public Officials' Bonds and the BLW Pole Attachment Bond for Bell South Telecommunication, Inc.

Approved

20090765

Marietta inmates

Motion to approve an Intergovernmental Agreement with Smyrna to house Marietta Police Department inmates.

Approved

20090845

Partial property acquisitions and easements

Motion authorizing partial property acquisition and easement of the following properties:

127 S. Fairground St. from Edgar H. Pounds in exchange for \$4,300 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Fairground St. Improvements (N. Marietta Pkwy-S. Marietta Pkwy)

749 Roswell Street from HKFS in exchange for \$3,160 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr.-Cobb Pkwy)

843 Roswell Street from W.E. Belcher Jr. in exchange for \$47,100 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr-Cobb Pkwy)

1176 Franklin Road from Franklin Delk Properties in exchange for \$3,350 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Franklin Rd. Improvements (S. Marietta Pkwy-Delk Rd.)

795 Powder Springs Road from NAJCO, Inc in exchange for \$90,200 for Right of Way, Permanent Easement & Temporary Construction Easement for the Powder Springs Road Streetscapes Project

803 Powder Springs Road from NAJCO, Inc in exchange for \$4,950 for Right of Way, Permanent Easement & Temporary Construction Easement for the Powder Springs Road Streetscapes Project

Approved

20090846 Donation of construction and driveway easements

Motion authorizing donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following property 256 Kennesaw Ave.(Mary Mayne Ramsey) - with stipulation that all possible care should be exhibited so as not to disturb or otherwise damage the existing steps. In the event of such damage, repair and replacement shall be made using like style and materials. Existing shrubs are not to be removed or damaged. If trimming is needed, trim minimally in order to complete work. Any damaged shrub that results in death of one year of project completion, said shrub shall be replaced with compatible species closest in size and density as possible.

Approved

20090847 Partial property acquisition and easement

Motion authorizing partial property acquisition and easement of the following properties 317/319 N. Fairground Street from Ms. Jessie Edward Wheatcroft in exchange for \$144,000 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Fairground St. Improvements (Allgood Rd- N. Marietta Pkwy)

Approved

20090848 528 N. Marietta Pkwy

Motion to authorize the acquisition of property owned by Covenant Christian Ministries Church at 528 N. Marietta Parkway on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Removed

20090851 65 N. Fairground Street

Motion to authorize the acquisition of property owned by Mr. Charlie Haley at 65 N. Fairground Street on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

Approved

20090821 **BLW Actions of August 10, 2009**

Review and approval of the August 10, 2009 actions and minutes of the Marietta Board of Lights and Water Works. (BLW).

Approved